

REMARKS

The Decision on Appeal dated September 26, 2003 (Appeal No. 2002-2030) has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is earnestly requested. Claims 3, 5, 7, 10 and 20-22 remain in this case, claims 1, 6 and 9 being cancelled by this response. The remaining claims were cancelled previously.

In response to the Decision on Appeal dated September 26, 2003 (Appeal No. 2002-2030), Applicant hereby submits its amendment under 37 C.F.R. § 1.196(b)(1), canceling claims 1, 6 and 9.

Rejections Under 35 U.S.C. § 112

Claims 1, 6 and 9 stand Finally Rejected under 35 U.S.C. § 112, first paragraph.

Claims 1, 6 and 9 are hereby cancelled. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Double Patenting

Claims 3, 5-7, 9-10 and 21-22 were rejected for obviousness type double patenting over U.S. Pat. No. 6,187,558.

Claims 6 and 9 are hereby cancelled. With respect to the remaining claims 3, 5, 7, 10 and 21-22, Applicant respectfully disagrees with the rejection. However, in order to advance prosecution of this application, Applicant hereby submits its Terminal Disclaimer in order to overcome the rejection. Reconsideration and withdrawal of the double-patenting rejection of claims 3, 5-7, 9-10 and 21-22 are therefore respectfully requested.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with

Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

-- *Granados et al.* --

By: *Thomas T. Aquilla*
-- *Thomas T. Aquilla, Reg. No. 43,473* --
Attorney for Applicant

BROWN & MICHAELS, PC
400 M&T Bank Building - 118 N. Tioga St.
Ithaca, NY 14850
(607) 256-2000 • (607) 256-3628 (fax)
e-mail: aquilla@bpmlegal.com
Dated: November 26, 2003